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How to keep secrets secret

By William V. Kennedy

FROM the time it took office the Reagan administration has been obsessed with the notion that government employees and journalists are out to subvert the country by publishing what are deemed by the Reagan appointees to be military secrets.

From a massive and constitutionally dubious campaign to force government employees to renounce their First Amendment rights by signing lifetime censorship agreements, the administration has gone on to a steady expansion of intimidation by lie detector and, most recently, to a bill to jail journalists who publish "secrets" given them by government employees.

Now there comes a suggestion from an unlikely source that the fault may lie, not with journalists or civil servants, but with mismanagement of the classification system by the administration itself.

In a March 20 speech to the Washington Press Club, Attorney General Edwin Meese III said, "We have far too much classified information in the federal government. A lot of things which shouldn't be classified are, and therefore there is a kind of a ho-hum attitude toward the protection of national security information."

Anyone who has worked in the State or Defense Departments or the CIA, or who has covered those agencies as a journalist, knows that the security system is the first and last refuge of the incompetent. Surreptitious release of information by conscientious military and civilian employees to journalists and congressional aides has thus become so common that there is now a foundation-financed clearinghouse to sort it out.

There are, therefore, two areas to be addressed in seeking a solution:

- How to reduce the quantity of classified documents.

- How to keep incompetents from abuse of the system.

The heart of the problem is the fact that the executive branch has sole authority to define what is or is not "classified." The temptation that holds out to policymakers to use the system to cover up wrongdoing or to gain political advantage by selective release is overwhelming. That problem will not be resolved until Congress acts to define by law what can be classified. And it should be guided by the fact that we have avoided nuclear war or a worldwide conventional war, not because of what we have been able to keep secret, but because of what our potential enemies know of our strength.

It seems to follow that the types of information having a claim to secrecy are very few: Codes, developmental weapons that have not been exposed to satellite or other photography, identity of clandestine intelligence sources, and deliberations of the National Security Council and the Joint Chiefs of Staff are the only categories this writer can think of, based on 30 years' experience with such information at all levels of classification.

It is not enough to identify specific areas of legitimate classification by law. Such a law should include penalties for unauthorized release to whomever, but also — and this now is conspicuously lacking — stiff penalties for abuse of the system to protect deception or mismanagement. Mr. Meese has performed an important service in bringing the problem into focus, but only Congress can bring about the needed solution.

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